

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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FIDELITY & GUARANTY INS. CO.,  
Plaintiff

v.

CIVIL ACTION NO.:  
04-10250-EFH

STAR EQUIPMENT CORPORATION,  
CHARLENE R. FORAN,  
JOHN J. FORAN, ET AL.,  
Defendants.

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**MEMORANDUM AND ORDER**

March 26, 2007

HARRINGTON, S.D.J.

After oral argument, the Court grants Plaintiff Fidelity & Guaranty Ins. Co.'s Motion for Summary Judgment limited to liability. The basis for this ruling is that the defendants have failed to present any material facts which would give rise to a factual dispute as to "a want of 'good faith'" on the part of the plaintiff surety company. Therefore, the terms of the surety bond are required to be enforced.

A hearing on the exact damages owed by the defendants to the plaintiff is scheduled for **Monday, April 2, 2007**, at 9:00 A.M., in Courtroom No. 13 on the Fifth Floor.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge